

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TESS S.,

Plaintiff,

v.

Civil Case No. 3:22cv461

**KILOLO KIJAKAZI,
Acting Commissioner of Social Security,**

Defendant.

FINAL ORDER

This matter comes before the Court on the July 20, 2023 Report and Recommendation (the "R&R") issued by the Honorable Mark R. Colombell, United States Magistrate Judge. (ECF No. 19.) The R&R recommends vacating and remanding to the Commissioner because the Administrative Law Judge failed to consider whether Plaintiff's migraine headaches met or equaled listing 11.02. No objections to the R&R have been filed and the time to do so has expired.


Finding no error, the Court:

- (1) ADOPTS the findings and recommendations as set forth in the R&R, (ECF No. 19);
- (2) GRANTS Plaintiff's Motion for Summary Judgment, (ECF No. 14);
- (3) DENIES Defendant's Motion for Summary Judgment, (ECF No. 16);
- (4) VACATES and REMANDS the final decision of the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g); and,
- (5) DIRECTS the Clerk to CLOSE this case.

Let the Clerk of the Court send a copy of this Order to all counsel of record.

It is SO ORDERED.

Date: 8-10-2023
Richmond, Virginia

/s/ 
M. Hannah Lauck
United States District Judge